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PR

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/860,182 06/22/97 DJIEN GO

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GIOK DJIEN GO  
PFAHLGRABENSTR. 45  
D-65510 IDSTEIN  
FED REP GERMANY

EXAMINER

MORROW, J

ART UNIT	PAPER NUMBER
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26

AIR MAIL

3612

DATE MAILED:

04/10/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. <b>08/860,182</b>	Applicant(s)	Go  Group Art Unit <b>3612</b>
	Examiner <b>Jason Morrow</b>		

Responsive to communication(s) filed on Nov 10, 1999

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-34 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-34 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. Figures 1A, 1B, 2, 2A, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 18 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). The designations should NOT include the German equivalent label to "Prior Art".

### ***Specification***

3. The substitute specification filed 11/10/99 has not been entered because it does not conform to 37 CFR 1.125(b) because: the statement as to a lack of new matter under 37 CFR 1.125(b) is missing, a marked-up copy of the substitute specification has not been supplied (in addition to the clean copy). The marked up copy should include in brackets any material deleted from the specification and should include underlines under all new material added. The clean copy should include all new material added and no material to be deleted.

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute

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specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement that the substitute specification contains no new matter; and 2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

4. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

5. The abstract of the disclosure is objected to because it is not narrative in nature and it refers to the speculative merits of the invention. Correction is required. See MPEP § 608.01(b).

6. Applicant is advised on how to arrange the content of the specification.

### **Content of Specification**

- (a) Title of the Invention: See 37 CFR 1.72(a). The title of the invention should be placed at the top of the first page of the specification. It should be brief but technically accurate and descriptive, preferably from two to seven words.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Reference to a “Microfiche Appendix”: See 37 CFR 1.96(c) and MPEP § 608.05. The total number of microfiche and the total number frames should be specified.
- (e) Background of the Invention: The specification should set forth the Background of the Invention in two parts:

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- (1) **Field of the Invention:** A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
- (2) **Description of the Related Art:** A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (f) **Brief Summary of the Invention:** A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (g) **Brief Description of the Several Views of the Drawing(s):** A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) **Detailed Description of the Invention:** A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. This item may also be titled "Best Mode for Carrying Out the Invention." Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (I) **Claim or Claims:** See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet. (37 CFR 1.52(b)). Where a claim sets forth a

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plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps.

- (j) Abstract of the Disclosure: A brief narrative of the disclosure as a whole in a single paragraph of 250 words or less on a separate sheet following the claims.
- (k) Drawings: See 37 CFR 1.81, 1.83-1.85, and MPEP § 608.02.
- (l) Sequence Listing: See 37 CFR 1.821-1.825.

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of 37 CFR 1.71(a)-(c):

- (a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.
- (b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.
- © In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

The specification is objected to under 37 CFR 1.71 because it fails to provide an adequate description of the invention. The *Description of the Preferred Embodiments* should include more

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than a simple listing of the parts present in each embodiment. This section should also point out the how the parts of the invention function during use. See the cited U.S. patents as examples of disclosures with correct form.

8. If applicant continues to prosecute the application, revision of the specification and claims to present the application in proper form is required. While an application can be amended to make it clearly understandable, no subject matter can be added that was not disclosed in the application as originally filed.

#### *Claim Objections*

9. The claims are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

#### *Claim Rejections - 35 USC § 112*

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 1-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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The following terms or phrases are inferentially recited in the claims:

In claim 1:

- line 6, the “supporting door frame”.
- line 14, the “compound assemblies”.

In claim 2:

- lines 1 and 2, the “vehicle part of vehicle body”.
- line 3, the “post sections”.

In claim 3:

- line 2 of claim 3, the “vehicle part”.

In claim 4:

- line 2, the “vehicle part”.

In claim 6:

- line 3, the “interlocking holes”.
- line 3, “both window-guide elements” and both “vehicle doors”. Only one door and window guide element is positively recited.
- line 5, the “U-shaped block”.
- line 6, the “mutual post section”.

In claim 7:

- line 3, the “interlocking holes”.

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-line 3, "both window-guide elements" and both "vehicle doors". Only one door and window guide element is positively recited.

-line 5, the "U-shaped block".

-line 7, the "side rail".

In claim 8:

-line 2, the "U-shaped block".

In claim 9:

-line 2, the "interlocking holes & interlocking blocks"

-line 3, the "post section".

In claim 10:

-lines 5 and 6, the "post section".

-line 6, the "reinforcing panel".

-line 7, the "side rail".

In claims 12 and 13:

-line 3, "interlocking holes".

-line 3, the "reinforcing panels".

-line 5, the "interlocking mating blocks".

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In claim 14:

- line 3, the “interlocking blocks”.
- line 3, the “reinforcing peripheral edges”.
- line 5, the “interlocking mating holes”.

In claim 15:

- line 3, the “interlocking block”.
- line 4, the “top peripheral edge”.
- line 5, the “interlocking mating holes”.

In claim 16:

- line 4, the “bottom peripheral edge”.
- line 3, the “interlocking block”.

In claim 17:

- line 3, the “interlocking block”.
- lines 3 and 4, the “post-section peripheral edge”.
- line 5, the “interlocking mating hole”.
- line 5, the “auxiliary part”.

In claim 19:

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- line 3, the “interlocking block”.
- line 4, the “post-section peripheral edge”.
- line 5, the “interlocking mating hole”.
- line 5, the “outer door-contour-shaped auxiliary part”.

In claim 20:

- line 5, the “post section”.

In claim 21:

- line 2, the “post section”.
- line 4, the “interlocking blocks”.
- lines 4 and 5, the “reinforcing element”.
- line 5, the “latch mechanism”.
- line 6, the “interlocking mating holes”.
- line 7, the “post section”.

In claim 22:

- line 3, the “interlocking block”.
- line 4, the “interlocking mating hole”.
- lines 4 and 5, the “reinforcing element”.

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-line 5, the "striker".

-line 5, the "latch mechanism".

In claim 23:

-line 3, "the interlocking block".

-line 5, the "interlocking mating hole".

-line 5, the "post section".

-lines 5 and 6, the "reinforcing element".

-line 6, the "striker".

-line 6, the "latch mechanism".

In claim 24:

-line 2, the "U-shaped window-guide element".

In claim 25:

-line 2, the "U-shaped window-guide elements".

In claim 26:

-lines 2 and 3, the "window-guides".

In claim 27:

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-lines 1 and 2, the “window guides”.

In claim 28:

-line 4, the “interlocking hook”.

-line 5, the “interlocking block”.

In claim 29:

-line 2, the “washer”.

In claim 30:

-line 2, the “screw”.

In claim 31:

-line 2, the “screw”.

In claim 32:

-line 1, the “sleeve”.

In claim 33:

-line 5, the “supporting door frame”.

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-line 14, the “compound assembly”.

In claim 34:

-lines 3 and 4, the “reinforcing element, transverse girder, reinforcing rod, plate, panel, and U-shaped block.

These terms must be positively recited.

In claim 1, the phrase “generally representing a tailgate, sliding side, cargo, liftgate door, trunk cover and vehicle door” is indefinite. The phrases seems to claim the vehicle door to represent all of the listed structures at the same time. It is suggested that the word “and” should be changed to --or--.

In claim 1 the phrase “arranged to that door frame” in lines 9 and 10 is indefinite for failing to particularly point out the relationship between the interlocking parts and the door frame.

In claim 1 line 10, the phrase “interlocking mating part to the vehicle body” is indefinite for failing to particularly point out the structural relationship between the interlocking mating part and the vehicle body.

In claim 1 line 12, the phrase “mechanisms to adjust to clearances of adjustable interlocking assemblies” is indefinite for failing to particularly point out what clearance between what parts is adjustable.

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In claim 1, lines 13-17, the phrase “thus ensuring the engagement of all.....in the event of any real collision and/or rollover” is narrative in nature and fails to distinctly point out the structure of the invention.

In claim 2, lines 2 and 3, the phrase “reinforced by a reinforcing element and transverse girder” fails to distinctly claim the structural relationship between the vehicle part, reinforcing element, and the transverse girder.

In claims 3 and 4, line 2, the phrase “vehicle roof or siderail” is indefinite and fails to distinctly claim if the vehicle part is a roof or side rail. These vehicle parts are not interchangeable, and thus cannot be referred to in the alternative.

In claims 3 and 4, line 4 the phrase “disposed along that vehicle part” is indefinite and fails to distinctly claim the relationship between the reinforcing rod and the vehicle part.

In claim 5, line 4 the phrase “disposed along” is indefinite and fails to distinctly claim the relationship between the reinforcing rods and the vehicle roof and side rail.

In claims 6 and 7, lines 7 and 8, the phrase “transverse girder of the mutual post sections” fails to distinctly claim the structural relationship between the girder and the post section.

In claim 9 lines 3, the phrase “defined by disposing” does not distinctly claim the structural relationship between the structures in the claim.

In claim 10, lines 5 and 6, the phrase “reinforcing plate of the post section” indefinite and fails to distinctly claim the relationship between the reinforcing plate and the post section.

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In claims 10 and 11 the phrase “disposed along the vehicle roof or side rail” is indefinite for failing to particularly point out the relationship between the reinforcing plate and the vehicle roof or side rail. It also is indefinite for failing to claim either the roof or side rail.

In claim 11, the use of the word “or” in line 7 renders the claim indefinite because it attempts to claim 2 different structures in one claim.

In claims 12, 13, 14, 15, and 21, the use of the word “disposed” renders the claim indefinite, as in the examples provided above.

In claim 16, line 5, the phrase “arranged in the auxiliary part” is indefinite and fails to distinctly claim the relationship between the interlocking mating hole and the auxiliary part.

In claim 18 lines 2 and 3, the phrase “adapted to the outer door-contour” and the phrase “arranged to the window-guide” are indefinite and fail to distinctly claim the relationship between the auxiliary part and the window-guide element and impact beams.

In claims 20, 22, and 23 the phrase “arranged in the post section” is indefinite and fails to distinctly claim the relationship between the post section and the interlocking mating hole.

In claim 28, the phrase “with interior diameter  $d_1$  and gap  $s_1$ ” is indefinite since the shape of the interlocking hook is not positively recited.

In claim 32, the phrase “interlocking part with exterior diameter  $d$ ” is indefinite since the shape of the interlocking part is not positively recited.

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In claim 33, the phrase “generally representing a tailgate, sliding side, cargo, liftgate, and vehicle door” is indefinite. The phrase seems to claim the vehicle door to represent all of the listed structures at the same time. It is suggested that the word “and” should be changed to --or--

In claim 33 the phrase “arranged to that door frame” in line 10 is indefinite for failing to particularly point out the relationship between the interlocking parts and the door frame.

In claim 33 line 11, the phrase “interlocking mating part to the vehicle body” is indefinite for failing to particularly point out the structural relationship between the interlocking mating part and the vehicle body.

In claim 33 line 12, the phrase “mechanisms to adjust to clearances of adjustable interlocking assemblies” is indefinite for failing to particularly point out what clearance between what parts is adjustable.

In claim 33, lines 14-21, the phrase “wherein the interlocking .....in the event of any real collision and/or rollover” is narrative in nature and fails to distinctly point out the structure of the invention.

***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

13. Claims 1, 2, 26-28, 31-34 are rejected, as best understood, under 35 U.S.C. 102(b) as being anticipated by Pavlik.

Re claims 1, 33, and 34, Pavlik discloses an increased stiffness of vehicle structure comprising a main vehicle body having at least one door aperture, a mating vehicle door, a supporting door frame having at least two impact beams (25, 27), auxiliary parts and at least one window guide element, the door being hingedly secured to the vehicle body for pivotal movement between an open and a closed position, interlocking assemblies (28, 48) each of which include an interlocking part attached to the door frame and interlocking mating part attached to the vehicle body, and adjusting mechanisms to adjust clearances of the adjustable interlocking assemblies.

Re claim 2, the vehicle part of the vehicle body receiving the interlocking parts is reinforced by a reinforcing element and a transverse girder (the roof) of the post sections of both vehicle sides.

Re claim 26, the window guides are rigidly attached to the respective stiff window-guide elements.

Re claim 27, the two window-guides are rigidly attached to the stiff window-guide element.

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Re claim 28, the interlocking part comprises a mechanical connection element, and interlocking hook, a sleeve, a washer, and means to adjust the clearances between the mating interlocking parts (figure 5).

Re claim 31, the washer is an integral part of a screw.

Re claim 32, the exterior diameter of the washer is greater than the diameter of the spacer.

#### *Allowable Subject Matter*

14. Claims 3-25 and 28-32 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

15. *An examination of this application reveals that applicant is unfamiliar with patent prosecuting procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution. The Office cannot aid in selecting an attorney or agent.*

*Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for*

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*sale by the Superintendent of Documents, U.S. Government Printing Office, Washington,  
D.C. 20402.*

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Morrow whose telephone number is (703) 305-7803. The examiner can normally be reached on Monday-Thursday from 7:30 AM to 5:00 PM.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

jsm

April 6, 2000

*JM*  
JASON MORROW  
PATENT EXAMINER

*DGD* 4/6/00  
D. GLENN DAYOAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600